

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CRIMINAL MINUTES - TRIAL

Case No. 7:08CR54

At Roanoke

Date 12/18/09

PRESENT: HON James C. Turk, JUDGE C. Patrick Hogeboom, III
S. Sakalas Judy Webb John Richmond, Cindy Chung
Deputy Clerk Court Reporter Asst. U.S. Attorney

U.S.A. v. (DEFENDANTS LISTED BELOW)

(1) WILLIAM A. WHITE

☒ present ☒ custody ☐ bond ☐ O/R

(2) ☐ present ☐ custody ☐ bond ☐ O/R

(3) ☐ present ☐ custody ☐ bond ☐ O/R

(4) ☐ present ☐ custody ☐ bond ☐ O/R

(5) ☐ present ☐ custody ☐ bond ☐ O/R

(6) ☐ present ☐ custody ☐ bond ☐ O/R

(7) ☐ present ☐ custody ☐ bond ☐ O/R

ATTORNEYS FOR DEFENDANTS

(1) David Damico, Raphael Ferris

☒ present ☐ apptd. ☒ retained

(2) ☐ present ☐ apptd. ☐ retained

(3) ☐ present ☐ apptd. ☐ retained

(4) ☐ present ☐ apptd. ☐ retained

(5) ☐ present ☐ apptd. ☐ retained

(6) ☐ present ☐ apptd. ☐ retained

(7) ☐ present ☐ apptd. ☐ retained

☐ Case called and continued to ☐ for trial.

☐ JURY TRIAL. The Jury impaneled and sworn (see attached list) ☐ COURT TRIAL

☐ Introduction of evidence for Government begun ☐ concluded;

☐ Motion for judgment of acquittal ☐ granted ☐ denied ☐ under advisement

☐ Introduction of evidence for defendant begun, ☐ concluded;

☐ Motion for judgment of acquittal renewed ☐ granted ☐ denied ☐ under advisement

☐ Rebuttal evidence; ☐ Surrebuttal evidence; ☐ Evidence concluded

☐ Case continued to ☐ for further trial

☒ Closing Arguments ☒ Jury charged by court

☒ Jury retires to deliberate at 1:00 pm jury returns at 4:31 pm

☒ **JURY VERDICT.** (See signed verdict as to each defendant. ☐ FINDING BY COURT.

(1) Defendant Guilty cnts 1, 3, 5, 6. Not guilty cnts 2, 4, 7 (2) Defendant ☐

(3) Defendant ☐ (4) Defendant ☐

☒ Jury polled. ☐ Polling waived. ☐ Mistrial declared. ☐ Jury discharged.

☐ Motion after verdict.

JUDGMENT: ☐ Defendant guilty ☐ Defendant not guilty

☐ Court received Presentence Report.

☐ Copy of Presentence Report not requested.

☐ A copy of same was furnished to counsel pursuant to Rule 32 F.R.C.P.

☐ Defendant to remain on bond.

☒ Defendant remanded to custody.

☐ Court orders presentence report.

☒ Case continued until to be set 20 ☐ at ☐ for sentencing.

☐ SENTENCE IMPOSED

SS Initials of Deputy Clerk

USPO Michael Price present

(Begin 9:34)

Roll of jurors called - all present.

USA's closing argument.

(Recess 10:55 - Reconvene 11:08)

Defendant's closing argument.

USA's final argument.

The Court charges the jury.

Out of the presence of the jury: Defendant objects to Court not giving some instructions discussed previously. USA replies and states objections to instructions. Court will instruct jurors further.

In the presence of the jury: Court instructs the jury further.

Out of the presence of the jury: Parties agree to alternate juror to be released.

In the presence of the jury: Alternate announced and released. Jurors retire to deliberate at 1:00.

Out of the presence of the jury: USA renews objections to the instructions given.

(Recess 1:09 - Reconvene 2:12)

All parties present.

Jurors ask Court question. Court responds.

(Recess 2:17 - Reconvene 4:22)

Court advises jurors that they can stay at the Hotel Roanoke if they are unable to get home due to snow.

(Recess 4:26 - Reconvene 4:31)

In the presence of the jurors - Jury Verdict read. Jury polled at request of defendant. Jurors excused.

Out of the presence of the jurors - Parties have 10 days to file any and all post-trial motions.

(End 4:39)

Total time in court: 3 hours, 39 minutes

Clerk: S. Sakalas